

From: Ronald Stichion
To: Ronald Stichion
Date: Thu, Feb 13, 2003 10:34 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Sarbanes
Senator Mikulski
Representative Ruppertsberger
Message text follows:

Ronald Stichion
8311 Berkfield Rd.
Baltimore, MD 21237-2908

February 13, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Ron Stichion

From: Rosemary Terryn
To: Rosemary Terryn
Date: Thu, Feb 13, 2003 5:20 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Schumer

Senator Clinton

Representative McCarthy

Message text follows:

Rosemary Terryn
505 Wadleigh Ave
West Hempstead, NY 11552

February 13, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will *limit* my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Rosemary Terryn

From: Russell Tooley
To: Commissioner Adelstein
Date: Thu, Feb 13, 2003 11:39 AM
Subject: Comments to the Commissioner

Russell Tooley (russell.tooley@tyson.com) writes:

The upcoming ruling on LINE SHARING is very important to the American consumer. Our consumer prices have come down 25% with good competition and this will go away if we don't support line sharing. The consumer does not want another type of monopoly.

Thanks

Server protocol: HTTP/1.0
Remote host: 199.66.1.5
Remote IP address: 199.66.1.5

From: rvest
To: Commissioner Adelstein
Date: Thu, Feb 13, 2003 5:04 PM
Subject: <No Subject>

It's time for the FCC to get out of the business of deciding who gets what share of different markets in wireline. There is plenty of competition from wireless and cable. Powell's proposal doesn't move fast enough, but at least it's in the right direction. Get behind it!

From: Sandra Haverlah
To: Mike Powell
Date: Thu, Feb 13, 2003 1:07 PM
Subject: Letter from Texas Consumer Association

Texas Consumer Association
44 East Avenue, Suite 202
Austin, Texas 78701

February 12, 2003

Chairman Powell:

Almost seven years after Congress passed the groundbreaking Telecommunication Act, the promise of real local phone competition is finally starting to become a reality for consumers in Texas.

According to the most recent data released by your agency, new market entrants provide service to more than sixteen percent of local telephone lines in Texas, a dramatic increase from only four percent in December 1999. As a result, millions of Texas residents are now benefiting from greater choice and better pricing in local phone service.

However, just as competition begins to take hold, we understand that the Commission is considering a proposal that would significantly scale back or even eliminate the very regulations - known as Unbundled Network Element Platform, or UNE-P - that have played a critical role in promoting the recent surge in local phone competition.

Were the Commission to initiate such a major reversal of policy, all the progress that has been made in Texas to bring real local phone competition to residential markets would be reversed. Once again, consumers would be stuck with little or no choice, and the savings and service improvements that accompany increased competition would quickly evaporate.

Rather than adopting policies that would only serve to undermine telecom competition, we urge the Commission to demonstrate its commitment to the interests of consumers, and the future of competition, by reaffirming your support for UNE-P.

Indeed, according to a report issued recently by the National Association of State Consumer Advocates, the continued existence of UNE-P is vital to the future of local competition in local markets across the country.

The report found that, in many markets, the vast majority of residential and small business consumers who have switched their local phone service to a new competitor are served by market entrants who rely on the UNE-P system. In Texas, for example, competitors that depend on UNE-P provide service to 77 percent of switched customers. Without the current UNE-P structure, the report concludes, "it is unlikely that even the limited amount of residential competition that exists today could survive."

It is also critical that the Commission preserve the position of state regulators in maintaining and promoting competition in our telecom markets. State utility regulators like the Public Utility Commission of Texas have played a vital part in opening local telephone markets across the country' up

to competition, and we believe that they are best placed to make decisions that impact local markets.

For local phone competition to continue to develop and flourish, state authorities must continued to have the flexibility to carry out their Congressionally mandated role of keeping local telephone markets open, and setting fair UNE-P prices.

Moreover, the Commission proposals that limit open access to communications networks, including fiber networks are wrong. Without open, non-discriminatory access to broadband networks, consumers will not realized the full potential of the Internet. Recent FCC decisions on broadband access policy threaten to inhibit innovation ad consumer choice in the high-speed Internet marketplace.

The Federal Communications Commission has both an obligation and a responsibility to protect the public interest, and promote the interests of consumers. If the FCC opts to abandon the pro-competition UNE-P and broadband framework established by the Telecom Act, just as it begins to deliver real savings and benefits to ordinary consumers, it will have failed on both counts.

We thank you for your consideration of these important issues.

Sincerely,

Sandra Haverlah
President Texas Consumer Association

cc: Commissioners Martin, Abernathy, Adelstein and Copps

CC: Kevin Martin, Kathleen Abernathy, Commissioner Adelstein, Michael Copps

From: Sapp, Jason
To: Kathleen Abernathy, Michael Copps, Kevin Martin, Commissioner Adelstein, Christopher Libertelli, 'fcc.gov', Daniel Gonzalez, Lisa Zaina, John Rogovin, William Maher, Jeffrey Carlisle, Michelle Carey, Thomas Navin
Date: Thu, Feb 13, 2003 5:27 PM
Subject: FW: Dkt# 01-338 BellSouth Exparte filed Feb 13 (CC recipients)

> Dkt# 01-338 BellSouth Exparte filed Feb 13
>
>
> The attached ex parte was filed electronically today via ECFS.
>
> Confirmation # 2003213227167
>
>
>
> Anthony V. Jones
> Paralegal, Governmental Affairs
> BellSouth Corporation
> 1133 21st Street, N.W., Suite 900
> Washington, D.C. 20036
> 202.463.4133
> 202.463.4195 (fax)
> anthony.v.jones@bellsouth.com (email)
>
>
> <<February13ExParte.PDF>>
>
>

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From: Sheron Wyszynski
To: Sheron Wyszynski
Date: Thu, Feb 13, 2003 3:05 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator DeWine
Senator Voinovich
Representative Regula
Message text follows:

Sheron Wyszynski
7129 Ravenna Ave SE
Waynesburg, OH 44688-9511

February 13, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Sheron Wyszynski

From: Sonia Lopez
To: Mike Powell, Kathleen Abernathy, Michael Copps, Kevin Martin, Commissioner
Adelstein, Jordan Goldstein, Lisa Zaina, Daniel Gonzalez, Christopher Libertelli, Matthew Brill
Date: Thu, Feb 13, 2003 2:50 PM
Subject: FCC UNE-P LETTER

Attached you will find the FCC UNE-P letter from Mr. John Gibbons.

Thank you,

Sonia Lopez
Marketing - Administrative Assistant
TMC Communications
125 East De La Guerra, Suite 201
Santa Barbara, CA 93101
Tel: (805) 965-8620 or (866) 999-1133
Fax: (877) 965-7822
E-mail: slopez@tmccom.com
Visit us on the web at www.tmccom.com

February 13, 2003

Honorable Michael K. Powell, Chairman
 Honorable Kathleen Abernathy, Commissioner
 Honorable Michael Copps, Commissioner
 Honorable Kevin Martin, Commissioner
 Honorable Jonathan Adelstein, Commissioner
 Federal Communications Commission
 445 12th Street SW
 Washington, DC 20554

Re: ***Ex Parte***
CC Docket Nos. 01-338, 96-98, and 98-147

Dear Chairman Powell and Commissioners:

I, the undersigned chief executive officer of a competitive provider of local telecommunications services, have reviewed the network element unbundling principles and standards set forth by the National Association of Regulatory Utility Commissioners ("NARUC") in their February 6, 2003 letter filed in this proceeding.¹ I am writing to express my full and unequivocal support for the NARUC framework.

Our industry has invested billions of dollars in infrastructure, and have led the way in deploying innovative local telecommunications services to millions of consumers throughout the United States. Our business plans have been developed in reliance upon the twin promises of the 1996 Telecommunications Act and state and federal unbundling rules. I believe that the NARUC framework would allow our industry a fair and reasonable chance to continue to provide competitive offerings to the millions of residences and small business consumers that have come to rely upon them. By adopting the NARUC framework, the Commission can achieve its complementary objectives of establishing a pro-competitive deregulatory unbundling framework and creating an unbundling regime that complies with the D.C. Circuit's decision in *USTA*,² which demands that the Commission's unbundling rules be the result of a fact-specific inquiry.

The NARUC framework calls for the Commission to promulgate the baseline Section 251 impairment test applicable to all elements. State commissions, in turn, will be charged with applying the Commission's impairment standard to all elements, and must remove from the list

¹ See Letter from David Syanda, NARUC President and Michigan Commissioner, et al. to Chairman Powell (Feb. 6, 2003).

² *USTA v. FCC*, 290 F.3d 415, 422 (D.C. Cir. 2002) ("*USTA*").

Honorable Michael K. Powell, et al

February 11, 2003

Page 2

those UNEs where it is demonstrated ~~that no impairment exist?~~. By properly placing the fact-finding and decision-making burdens upon state commissions, the NARUC framework allows the Commission to respond appropriately to both the Court of Appeals in *USTA*, and the Supreme Court's decision in *Verizon*.³ Those decisions require that the Commission adopt an impairment standard that allows for detailed, fact-based application of the impairment factors rather than a uniform national rule that applies in every geographic market and customer class. The NARUC framework allows state commissions to assess impairment on a market-by-market basis, and tailor the availability of specific network elements—or any necessary transition process—where the state commission finds that market conditions dictate that an element should be removed. Accordingly, the regime contemplated by NARUC ensures that competitive conditions ~~most~~ conducive to continued facilities investment and vibrant competition are fostered.

At ~~bottom~~, the NARUC framework will promote the continued growth and expansion of local competition by ensuring that innovative services are available to all consumers – including mass-market residential and small business customers – throughout the country. Any plan that would adopt a “one size fit? all” national unbundling regime would not only be contrary to the requirements of *USTA*, but would effectively unhinge the efforts of entrepreneurs and innovators in the competitive telecom sector.

Accordingly, we respectfully urge you to adopt the ~~compromise framework submitted by~~ NARUC on February 6.

Sincerely,

From: Steve Brown
To: Mike Powell, Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein
Date: Thu, Feb 13, 2003 9:40 AM
Subject: Line Sharing

Please keep line sharing as is.

Eliminating line sharing will lead to less choice and competition, and higher prices for consumers and small business for broadband services.

It also would slow the penetration of broadband services across the country delaying key benefits that can help the economy

Thank You

Steve Brown

Do you Yahoo!?
Yahoo! Shopping - Send Flowers for Valentine's Day

From: Thom Hart
To: Mike Powell
Date: Thu, Feb 13.2003 12:16 PM
Subject: RE: CC Docket No. 01-338

I'm writing to you concerning CC Docket No. 01-338, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers.

As President of our local economic development organization, I see how communication technology effects business in our community and therefore support the following points:

1. Broadband facilities should not have unbundling requirements extended to them. Broadband development is extremely important in creating new jobs in the communications sector and increasing capital spending. Small and large businesses depend more and more on Broadband products and services, and freeing broadband investment from costly unbundling requirements will help business.
2. The telecom industry needs a national framework created by the FCC that will provide incentives for facility investment and will create an environment allowing for increased competition. This can be accomplished by the FCC eliminating unbundled switching and the unbundled element platform.
3. The FCC should eliminate facility unbundling rules as these have been counter productive to development in the telecommunications industry and the high tech manufacturing sector. Jobs, capital investment and capital spending have both been negatively effected by these irrational unbundling rules.

Thom Hart
Quad City Development Group
(309) 788-7436 or (563) 326-1005
www.quadcities.org

CC: Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein

From: Tiffany Jones
To: Commissioner Adelstein
Date: Thu, Feb 13, 2003 5:18 PM
Subject: Save the UNE-Platform

<<UNE-Platform Letter Jonathan Adelstein.doc>>

Tiffany Jones

Dedicated Provisioning Manager

Access One, Inc

820 W. Jackson Blvd

6th Floor

Chicago, IL 60607

312.441.9908

fax 312.441.1010

Toll Free 800-804-8333 x 908



February 13th, 2003

Dear Commissioner Jonathan Adelstein:

I ask your support for the continued availability of the "UNE-Platform."

My company, Access One, offers local telephone service in Select SBC territories. The company has achieved increasing success largely because it utilizes the combination of "unbundled network elements" - the UNE-Platform - to serve customers. It is absolutely critical that we have continued access to the UNE-Platform to remain competitive.

Unfortunately, the Regional Bell Operating Companies have launched a full-scale attack on the UNE-Platform, realizing it is a major threat to their continued market dominance. Their strategy is to impose certain restrictions on individual network elements that would destroy the competitive value of the UNE-Platform. If the RBOCs succeed, it will all but end any chance for consumers to enjoy the benefits of meaningful competition in local phone service.

Please oppose any effort at the Federal Communications Commission or at state agencies to limit the availability of the UNE-Platform. The UNE-Platform should be firmly and permanently established as a viable service option for competitive telewin carriers.

Thank you very much for your time and attention to this important matter.

Sincerely,

Tiffany Jones
Dedicated Provisioning Manager
Access One Incorporated

From: TPRESCHI@aol.com
To: Commissioner Adelstein
Date: Thu, Feb 13, 2003 11:12 AM
Subject: line sharing

please keep line sharing, competition is good for america, powell and the babybells are hard to fight, lots of money there, makes many americans wondering what powell will walk away with if big money baby bells get there way , stand up for competition help the little american with nothing to gain . god bless

From: valley
To: Commissioner Adelstein
Date: Thu, Feb 13, 2003 2:30 PM
Subject: DSL line sharing must stay

I don't understand how you can have a problem with line sharing. I pay Verizon for my phone line, then I pay Covad to run their DSL over said line. If this is eliminated I would be forced to run a **second** phone line or forced to go with Verizon and whatever price they choose to charge me. If Verizon has no competition this price is certain to go up. I can't see any benefit to the American people under this scenario. Please consider this when making your decision.

A.J. Trilli

From: Weeks, Wendell P
To: Mike Powell
Date: Thu, Feb 13, 2003 3:34 PM
Subject: Overbuild Proposal

CC: Kathleen Abernathy, Commissioner Adelstein, Michael Copps, Kevin Martin, 'cliberte@ff.gov', Matthew Brill, Lisa Zaina, Jordan Goldstein, Daniel Gonzalez



CORNING
Discovering Beyond Imagination

Wendell P. Weeks
President
& Chief Operating Officer

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One Riverfront Plaza
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Corning, NY 14831

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February 13, 2003

The Honorable Michael Powell
Federal Communications Commission
445 12th Street NW
Washington, DC 20554

Dear Chairman Powell:

We appreciate your interest in the welfare of the fiber optics industry. As you know, we are struggling, and we believe the Commission **has** the power to pull us out of our depression.

As we approach the end of the process in the UNE Review, I would like to bring a serious issue to your attention that has the potential to undermine the economics of fiber deployment for most of the country. The issue is how existing copper loops will be treated in so-called "overbuild" situations where incumbents deploy fiber to the home to customers that are currently served by copper. We understand there is some support in the Commission for maintaining the copper to give the CLECs access to the customer.

We agree with the policy goal, but we have a better way to achieve it, one that will **not** discourage the deployment of fiber to the home.

Specifically, we recommend that the ILECs be required, in overbuild situations, to keep the existing copper "connected" to customers served by fiber to the home, but not be required to spend resources to maintain the copper until a CLEC requests access. This will enable the CLECs to gain access to the customer, but not require the incumbents to incur needless expenses. We believe that expending resources to maintain the copper in overbuild situations would be needless because it is very unlikely that a customer will shift back to the old copper technology after they have experienced the tremendous benefits of fiber to the home.

If the incumbents are required to spend significant resources to maintain a copper plant along with a fiber to the home facility, they are unlikely to invest in overbuild situations. The majority of the market for new technology is in overbuild situations, and we need overbuild deployment to sustain the industry.

Thank you again for your kind consideration in this important matter.

Sincerely,

cc: Commissioner Kathleen Abernathy
Commissioner Jonathan Adelstein
Commissioner Michael Copps
Commissioner Kevin Martin
Christopher Libertelli, Legal Advisor, Chairman Powell



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Matthew Brill, Legal Advisor, Commissioner Abernathy
Don Gonzalez, Legal Advisor, Commissioner Martin
Jordan Goldstein, Legal Advisor, Commissioner Copps
Lisa Zaina, Legal Advisor, Commissioner Adelstein